

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/186/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 15, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Zhe Shi 565 Weir Avenue Oakville ON L6L 4X3	Sol-Arch c/o Jonathan Benczkowski 301 Keewatin Avenue Toronto ON M4P 2A4	PLAN 619 LOT 46 565 Weir Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL3-0  
DISTRICT: West

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of a two-storey detached dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 6.4.1</b> The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> between 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41% (289.65 m <sup>2</sup> ); (Lot area is 706.46 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 53.18% (375.67 m <sup>2</sup> ).

## CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

**CAV A/186/2022 - 565 Weir Avenue (West District)** (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of two-storey dwelling subject to the variances listed above.

The neighbourhood is characterized by one-storey dwellings original to the area and many two-storey new construction marking it as a neighbourhood in transition.

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

*“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*

*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”*

#### **Variance #1 – Residential Floor area Ratio (Unsupported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (286.02 square metres) to 53.18%. (375.67 square metres) for an increase of 86.02 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The requested increase in residential floor area is significant given the context of the area. The second storey appears to be a replication of the first storey and results in a proposed massing that is significantly larger than other dwellings in the immediate area. It is Staff's opinion that it is not compatible with the character of the area. The massing and scale of the proposed dwelling would make it visually appear larger than existing dwellings in the immediate area.

New development shall ensure that proposed building forms are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development, which may include setbacks and façade step backs in order to reduce adverse impacts on adjacent properties and/or the public realm. Therefore, the proposed dwelling, based on the proposal as submitted, does not maintain or protect the existing character of the neighborhood and is not compatible with the pattern of new or existing development.

The Town's Design Guidelines for Stable Residential Communities were reviewed in the context of this application. Section 3.1.1.2. states, *“new development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.”* Also, *“new development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and complement the surrounding residential community”*. The Design Guidelines are used to direct the design of new development and ensure the maintenance and preservation of neighbourhood character. The proposed dwelling also contravenes the Design Guidelines, particularly the following sections:

According to the Urban Design Guidelines for Stable Residential Communities:

**3.1.1. Character:** New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.

**3.2.2. Height:** New development should make every effort to incorporate a transition in building height when the proposed development is more than a storey higher than the adjacent dwellings. The transition may be achieved by:

- stepping down the proposed dwelling height towards the adjacent shorter dwellings.

- constructing a mid-range building element between the shorter and taller dwellings on either side.
- increasing the separation distance between the dwellings.

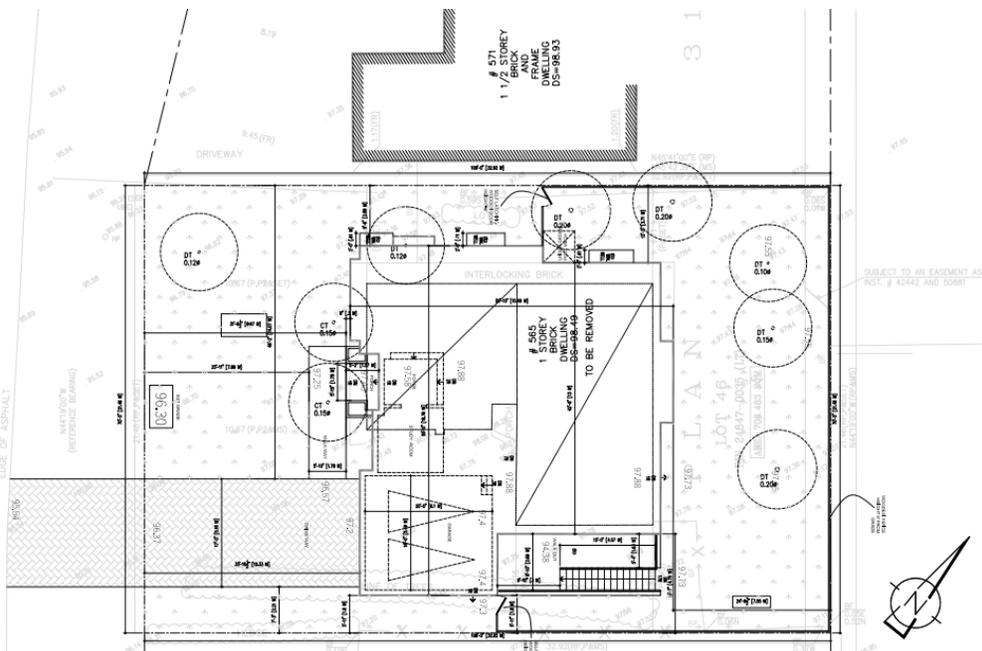
The intent of establishing zoning regulations, amongst others, is to control built form in relation to scale and mass, thereby maintaining and protecting the existing neighbourhood character.

The requested variance would have a negative impact on the streetscape and abutting properties related to mass and scale. The Zoning By-law is the implementing tool to protect the stability of neighbourhoods as required in the Official Plan. The intent of establishing regulations that would have the effect of controlling the built form in relation to scale and mass is to prevent a dwelling that is out of character with the existing neighbourhood. It is Staff's opinion that the requested variance would result in a dwelling that is too large for the property and the surrounding neighbourhood. The proposed dwelling does not protect or represent a desirable transition in the existing character of the neighbourhood, and therefore does not maintain the intent of the Zoning By-law or Official Plan.

### **Subject Property**



### **Excerpt of the Site Plan by the applicant:**



### **Conclusion:**

In summary, based on the application as submitted, staff are of the opinion that the variance should not be supported as it does not satisfy the four tests under the Planning Act. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variance would result in a development that is appropriate for the site.

**Fire:** SFD. Adequate access to rear yard provided. O.K.

**Oakville Hydro:** We do not have any objection or comments for the Minor Variance Applications on the agenda.

**Transit:** No Comment

**Finance:** None

**Halton Region:**

- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase in the maximum residential floor area ratio for the detached dwelling, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached dwelling on the subject property.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One

**Note:** *The following standard comments apply to all applications. Any additional application specific comments are as shown below.*

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments / authorities (e.g. Engineering and Construction, Building Services, Conservation Halton, etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Email of Opposition – 1

**From:**

**Sent:** Friday, November 11, 2022 12:53 PM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** CAV A/186/2022 565 Weir Ave - Notice of Public Hearing

Heather,

I'm Rajjeet Phull from 556 Weir Ave. The homeowner is asking for 53.18% residential floor area ratio, which is way more than the maximum allowable of 41%. In my opinion, this is not a minor variance whereas in the area, the typical allowed variance has been 1-3% over the allowable limit. You can reach me at \*\*\*\*\* if you have any questions.

Thanks,  
Rajjeet Phull